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EXAMINER	
NILANONT, YOUPAPORN	

ART UNIT	PAPER NUMBER
4121	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/524,742	HOLTHE, OLE-IVAR	
	Examiner	Art Unit	
	YOUPAPORN NILANONT	4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☒ Claim(s) *2-4,8-9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 October 2005* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/11/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- reference numbers "801," "802," and "803" of figure 8;
- reference numbers "901," "902," and "903" of figure 9;
- reference numbers "1001," "1002," and "1003" of figure 10;
- reference numbers "1101," "1102," and "1103" of figure 11.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Construction

2. The portions of claim 1 following "a method of encapsulating," "information about," "multiple block headers," and "multiple data blocks"; the portion of claim 5 which

reads "selected from the group ... the logical structure"; the portions of claim 7 which reads "multimedia content data, ... , and program instruction code" and which follows "reading from the storage device"; the portions of claim 14 following "instructions for encapsulating," "information about," "multiple block headers," and "multiple data blocks"; and the portions of claim 15 which reads "multimedia content data, ..., and program instruction code" and which follows "reading from the storage device", all recite nonfunctional descriptive material and do not impose any particular functional requirement for the claimed method or program instructions, and therefore do not limit the claims (see MPEP § 2106 (II) and § 2111.04). In the discussion of the claims below, this material has been placed in double square brackets indicating that, even though it has not been given any patentable weight, it has been fully considered.

Furthermore, the portions of claims 1, 7, 14, and 15 as cited above have been construed as any data since the type of data does not affect either the function of storing onto a storage device or the function of retrieving from the storage device. Additionally, the portion of claim 5 as cited above does not affect the transferring of information or data either.

3. The "program instruction code for controlling the playback" is not clearly described in the applicant's specification. The appendix listings only show a tag for an element called "program" which contains only "hexBinaryData," and has no explanation to what it does. Therefore, the "program instruction code" has been construed as an instruction that controls the manner in which packets will be played.

Claim Objections

4. Claims 2-4, and 8-9 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

5. **Claim 2** depends on claim 1 which is a claim to a method of encapsulating data. However it recites structural details of a logical structure of an aggregated data representation which does not affect the storing steps of the method in claim 1 and therefore does not constitute a further limitation on claim 1.

6. **Claim 4** recites an XML formatted structure in which a logical structure of claim 1 is. However, the claimed logical structure in XML formatted structure does not affect the method of encapsulating data as claimed, therefore does not constitute a further limitation on claim 1.

7. **Claim 8** recites the structural details of a logical structure of an aggregated data representation which does not affect the data retrieval method in claim 7 in which it depends from, therefore does not constitute a further limitation on claim 7.

8. **Claim 9** recites an XML formatted structure in which a logical structure of claim 7 is. However, the claimed logical structure in XML formatted structure does not affect the method of retrieving data as claimed, therefore does not constitute a further limitation on claim 7.

9. **Claim 3** is objected to because of the following informalities: "as" cited appears to be a mistake and should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. **Regarding claim 3**, the recitation of "and/or" fails to particularly point out whether the claims affirmatively require the conjoined content representations or if they are to be interpreted in the alternative. For the purposes of examination, the representations in claim 3 have been construed in the alternative only.

Furthermore, the phrase "e.g." renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 101

13. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

14. Claim 1 rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

Claim 1 recites only steps of storing data three times as a method of encapsulating such data. In addition, the portions of claim 1 as cited above are nonfunctional descriptive materials which do not affect the steps of storing data on a

storage device. The end result of each step of storing cited data as claimed is the same: the data is stored on storage device. Therefore, the method does not produce "useful, concrete, and tangible result," thus lacks patentable utility. *See MPEP §§ 706.03(a) and 2107.01- 2107.03.*

15. Claims 11-13 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 11 recites an "aggregated data representation comprising a logical structure" which is a mere arrangement of data, thus a nonfunctional descriptive material. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory (see MPEP 2106.01).

Regarding claim 12, which depends on claim 11, the arrangement of claimed "aggregated data representation" is recited further in details. Therefore claim 12 also claims a nonstatutory subject matter.

Regarding claim 13, which depends on claim 12, the logical structure of claimed aggregated data representation is said to be in XML structure. The claim's additional limitation still does not make its data structure statutory.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

17. Claims 1-3, 5, 7-8, 10-12, and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Goetz et al. (U.S. Patent No. 5,956,729).

18. **With respect to claim 1**, the Goetz reference teaches in a computer system, a method of encapsulating (see figure 8 "system for creating a multimedia file," column 4 line 41) **[**multimedia content data, multimedia content description data, and program instruction code into an aggregated data representation comprising a logical structure**]**, the method comprising:

storing on a storage device (see "CD ROM" column 10 lines 12-13), information (see "file header 110" figure 2A) **[**about the multimedia content data, the multimedia content description data, and the program instruction code to form a main header section (300) in the logical structure**]**;

storing on the storage device (see Goetz, "CD ROM" column 10 lines 12-13), multiple block headers (see "media block directory 320" figure 3) **[**for all multimedia content data, multimedia content description data, and the program instruction code to form a block headers section (301) in the logical structure**]**; and

storing on the storage device (see Goetz, "CD ROM" column 10 lines 12-13), multiple data blocks (see "media block 330" figure 3) **[**for all multimedia content data,

multimedia content description data, and the program instruction code to form a data blocks section (302) in the logical structure].

19. **With respect to claim 2**, the Goetz reference further teaches method according to claim 1, wherein:

the block headers sections (301) comprise a scene block header (400) (see "Directory Preamble 410" figure 4B and column 7 lines 65-68);

the block headers sections (301) (see "Packet Descriptor 420" figure 4C and column 8 lines 5-6) comprise a header selected from the group consisting of an image resource block header (500), a text resource block header (550), a mesh resource block header (600), and a video resource block header (650) (see column 7 lines 58-62, "specific media types ... may need to 'supplement' the generic template");

the data blocks section (302) comprise a scene data block (700) (see "Media Block Body 430" figure 4D);

the data blocks section (302) comprise a data block (see "Packets 440" figure 4D) selected from the group consisting of an image resource data block (1200), a text resource data block (1250), a mesh resource data block (1300), and a video resource data block (1350) (see column 7 lines 56-62, "specific media types ... may need to 'supplement' the generic template");

the number of data blocks in the data blocks section (302) is equal to the number of block headers in the block headers section (301) (see column 8 lines 6-7, "one-to-one correspondence...") with an empty external_link field (324) (see "reserved" field figure

4B and 4C, it is understood that the reserved field cited in Goetz can be used to the author's discretion and is left empty when it is not needed);

and the program instruction code controls playback of the multimedia content (see "start time 749," "end time 750" figure 7, it is understood that these fields control when to present the packet on the receiver).

20. **With respect to claim 3**, the Goetz reference further teaches method according to claim 1, further comprising:

determining the storing order of the resources, for the different multimedia types (see column 3 line 23), e.g. audio, video, image and text, providing efficient streaming transmission (see Goetz column 8 lines 27-32, "sequence number of given packet ... composing the presentation unit");

compressing the data in some of the data blocks section using appropriate compression schemes (see column 8 line 67 - column 9 line 1, "having data in accordance with the H.263 format." It is understood that H.263 is a compressed format for video data.), e.g. as ZLIB, PNG or JPEG; and

providing different scaled content representations of one or more scenes, depending on different hardware profiles of the destination computers (101) (see column 5 lines 35-39), e.g. bitrate, screen, language, and/or machine.

21. **With respect to claim 5**, the Goetz reference further teaches method according to claim 1, further comprising transferring information **[**selected from the group consisting of the aggregated data representation and the logical structure**]** across a

transport medium (105) to one or more destination computers (101) (see figure 9 and column 10 lines 51-61).

22. **With respect to claim 7**, the Goetz reference teaches in a computer system, a method of retrieving [multimedia content data, multimedia content description data, and program instruction code from an aggregated data representation stored on a storage device, the data representation comprising a logical structure encapsulating the multimedia content data, multimedia content description data, and program instruction code], the method comprising reading from the storage device (see column 11 lines 15-18):

[a main header section (300) of the logical structure, the main header section having information about the multimedia content data, the multimedia content description data, and the program instruction code (even though this portion has not been given patentable weight, the Goetz reference reads on it in figure 2A, "file header 110");

multiple header blocks from the header section (301) of the logical structure, the multiple block headers comprising information about multimedia content data, multimedia content description data, and program instruction code (even though this portion has not been given patentable weight, the Goetz reference reads on it in figure 3, "media block directory 320"); and

multiple data blocks from the data section (302) in the logical structure, the multiple data blocks comprising multimedia content data, multimedia content description

data, and program instruction code (even though this portion has not been given patentable weight, the Goetz reference reads on it in figure 3, "media block 330").]

23. **With respect to claim 8**, the Goetz reference further teaches method according to claim 7, wherein:

the block headers sections (301) comprise a scene block header (400) (see "Directory Preamble 410" figure 4B and column 7 lines 65-68);

the block headers sections (301) (see "Packet Descriptor 420" figure 4C and column 8 lines 5-6) comprise a header selected from the group consisting of an image resource block header (500), a text resource block header (550), a mesh resource block header (600), and a video resource block header (650) (see column 7 lines 58-62, "specific media types ... may need to 'supplement' the generic template");

the data blocks section (302) comprise a scene data block (700) (see "Media Block Body 430" figure 4D);

the data blocks section (302) comprise a data block (see "Packets 440" figure 4D) selected from the group consisting of an image resource data block (1200), a text resource data block (1250), a mesh resource data block (1300), and a video resource data block (1350) (see column 7 lines 56-62, "specific media types ... may need to 'supplement' the generic template");

the number of data blocks in the data blocks section (302) is equal to the number of block headers in the block headers section (301) (see column 8 lines 6-7, "one-to-one correspondence...") with an empty external_link field (324) (see "reserved" field figure

4B and 4C, it is understood that the reserved field cited in Goetz can be used to the author's discretion and is left empty when it is not needed);

and the program instruction code controls playback of the multimedia content (see "start time 749," "end time 750" figure 7, it is understood that these fields control when to present the packet on the receiver).

24. **With respect to claim 10**, the Goetz reference further teaches method according to claim 7, further comprising receiving information **[**selected from the group consisting of the aggregated data representation and the logical structure**]** across a transport medium (105) on a destination computers (101) for rendering the content using a renderer (103) (see figure 10 and column 11 lines 9-18).

25. **With respect to claim 11**, the Goetz reference teaches computer-readable aggregated data representation encapsulating multimedia content data, multimedia content description data, and program instruction code, the aggregated data representation comprising a logical structure stored on a computer readable storage device (see column 2 lines 63-68, "file format" and "system and device ... using the new file format"), the logical structure comprising:

a main header section (300) comprising information about the multimedia content data, multimedia content description data, and program instruction code in a logical structure that defines the aggregated data representation (see "file header 110" figure 2A);

a block header section (301) comprising multiple block headers for the multimedia content data, multimedia content description data, and program instruction code (see "media block directory 320" figure 3 and column 6 lines 61-63); and

a data block section (302) comprising multiple data blocks for all multimedia content data, multimedia content description data, and program instruction code (see "media block 330" figure 3 and column 6 lines 63-64).

26. **With respect to claim 12**, the Goetz reference further teaches computer-readable aggregated data representation of claim 11, wherein:

the block headers sections (301) comprise a scene block header (400) (see "directory preamble 410" figure 4B and column 7 line 65 - column 8 line 4);

the block headers sections (301) comprise a header selected from the group consisting of an image resource block header (500), a text resource block header (550),

a mesh resource block header (600), and a video resource block header (650) (see "packet descriptor 420" figure 4C and column 8 lines 5-6, "specific media types..." column 7 lines 56-62);

the data blocks section (302) comprise a scene data block (700) (see "media block body 430" figure 4D);

the data blocks section (302) comprise a data block selected from the group consisting of an image resource data block (1200), a text resource data block (1250), a mesh resource data block (1300), and a video resource data block (1350) (see "packets 440" figure 4D);

the number of data blocks in the data blocks section (302) is equal to the number of block headers in the block headers section (301) (see column 8 lines 6-7) with an empty external_link field (324) (see "reserved" field figure 4B and 4C, it is understood that the reserved field cited in Goetz can be used to the author's discretion and is left empty when it is not needed); and

the program instruction code controls playback of the multimedia content (see "start time 749," "end time 750" figure 7, it is understood that these fields control when to present the packet on the receiver).

27. **With respect to claim 14**, the Goetz reference teaches a computer-readable storage medium holding instructions for encapsulating (see column 9 lines 46-47, it is understood that the system hardware itself cannot create a file without software instructions) multimedia content data, multimedia content description data, and program

instruction code into an aggregated data representation comprising a logical structure, the instructions comprising:

storing on a storage device (see "CD ROM" column 10 lines 12-13), information about the multimedia content data, the multimedia content description data, and the program instruction code to form a main header section (300) in the logical structure (see "file header 110" figure 2A);

storing on the storage device (see "CD ROM" column 10 lines 12-13), multiple block headers for all multimedia content data, multimedia content description data, and the program instruction code to form a block headers section (301) in the logical structure (see "media block directory 320" figure 3 and column 6 lines 61-63); and

storing on the storage device (see "CD ROM" column 10 lines 12-13), multiple data blocks for all multimedia content data, multimedia content description data, and the program instruction code to form a data blocks section (302) in the logical structure (see "media block 330" figure 3 and column 6 lines 63-64).

28. **With respect to claim** 15, the Goetz reference teaches a computer-readable storage medium holding instructions for retrieving **[**multimedia content data, multimedia content description data, and program instruction code from an aggregated data representation stored on a storage device, the data representation comprising a logical structure encapsulating the multimedia content data, multimedia content description data, and program instruction code,**]** the instructions comprising

reading from the storage device (see column 11 lines 15-18):

[a main header section (300) of the logical structure, the main header section

having information about the multimedia content data, the multimedia content description data, and the program instruction code (even though this portion has not been given patentable weight, the Goetz reference reads on it in figure 2A, "file header 110");

multiple header blocks from the header section (301) of the logical structure, the multiple block headers comprising information about multimedia content data, multimedia content description data, and program instruction code (even though this portion has not been given patentable weight, the Goetz reference reads on it in figure 3, "media block directory 320"); and

multiple data blocks from the data section (302) in the logical structure, the multiple data blocks comprising multimedia content data, multimedia content description data, and program instruction code (even though this portion has not been given patentable weight, the Goetz reference reads on it in figure 3, "media block 330").]

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

30. Claims 4, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al. (U.S. Patent No. 5,956,729) in view of Wan (International Publication No. WO 02/05089 A1).

31. **With respect to claim 4**, the Goetz reference teaches method according to claim 1 however, the Goetz does not explicitly disclose XML in which the application's multimedia files are organized. On the contrary, the Wan reference discloses a method wherein the logical structure is a XML formatted structure (see Wan, figure 5 and figure 6(b)). It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have organized the multimedia file format using existing XML language as described in Wan reference in order to adapt to "low bandwidth communication link and/or a device with very limited resources" (see Wan, page 7 lines 7-10).

32. **With respect to claim 9**, the Goetz reference teaches method according to claim 7 however, the Goetz does not explicitly disclose XML format in which the application's multimedia files are organized. Conversely, the Wan reference discloses a method wherein the logical structure is a XML formatted structure (see Wan, figure 5 and figure 6(b)). It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have organized the multimedia file format using existing XML language as described in Wan reference in order to adapt to "low bandwidth communication link and/or a device with very limited resources" (see Wan, page 7 lines 7-10).

33. **With respect to claim 13**, please see rejection and rationale regarding claim 4 cited above.

34. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al. (U.S. Patent No. 5,956,729) in view of Jones et al. (U.S. Patent No. 6,134,243).

35. **With respect to claim 6**, Goetz reference teaches the method according to claim 3, however Goetz does not teach of multimedia content being in external file. Conversely, Jones references teaches a method that is further comprising providing linking between multiple files with multimedia content by use of an external_link field (324) in the block headers section (301) (see Jones, Figure 5 and column 10 lines 58-67). It would have been obvious to the person having ordinary skill in the art, at the time the invention was made, to have incorporated the teaching of Jones in Goetz's file format in order to avoid making unnecessary copies of content data when they can be used repeatedly and thus efficiently use server's memory resources.

Conclusion

36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Yamanaka reference on record discloses of a multimedia file structure comprises of information of the entire file, data of different media types, and information for each media data.

b. Mäkipää et al. reference discloses of method for content adaptation based on receiving terminal capabilities.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUPAPORN NILANONT whose telephone number is (571)270-5655. The examiner can normally be reached on Monday through Thursday and alternate Friday at 7:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Robertson can be reached on 571-272-4186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Y. N./
Youpaporn Nilanont
8/29/2008
Examiner, Art Unit 4121

/Ramy M Osman/
Primary Examiner, Art Unit 2157